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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/714,624

11/18/2003

David Stinson

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3237

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7590

05/08/2006

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EXAMINER

PRICE, CRAIG JAMES

ART UNIT

PAPER NUMBER

3753

DATE MAILED: 05/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/714,624

Applicant(s)

STINSON, DAVID

Examiner

Craig Price

Art Unit

3753

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 10-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. The application has been amended as follows: The status identifiers for claims 1-9 have been changed to (original), the status identifiers for claims 10-17 have been (withdrawn).

### ***Election/Restrictions***

2. Applicant's election without traverse of Group I, Claims 1-9 in the reply filed on 13 April 2006 is acknowledged.

Claims 10-17 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 13 April 2006.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Rabizadeh (5,606,123).

Regarding claim 1, Rabizadeh discloses a digital pressure display comprising, sensor means for sensing the pressure (124), microprocessor means for enable the sensor means to sense the pressure and generate a signal (146), and power means (136) for generating a digital pressure reading as shown in Figures 6 and 11.

Regarding claim 2, Rabizadeh discloses the microprocessor means intermittently enables the sensor means to sense the pressure and generate the signal (Col. 6, Lns. 12-16).

Regarding claims 3 and 4, Rabizadeh discloses the power means comprises a rechargeable battery (Col. 6, Lns. 2-3).

Regarding claim 7, Rabizadeh discloses a digital pressure display as claimed in claim 4 including circuitry means having a solar power cell to recharge said battery (Col.6, Lns. 2-3).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rabizadeh (5,606,123) in view of Salmond (5,032,287).

Rabizadeh has disclosed all of the features of the claimed invention except that the digital pressure display further includes a light sensor for sensing a dark condition so as to terminate the generation of the digital pressure reading during the dark condition.

Salmond discloses a fluid system, which utilizes an ambient sensor, which further includes a light sensor for sensing a dark condition (Col. 3, Lns. 28-34) so as to terminate the generation of the digital pressure reading during the dark condition (the term "so as to", is considered as an intended state of use).

In view of the Salmond patent, it would have been obvious to one of ordinary skill in the art at the time of invention to utilize Salmond's light sensor to have a light sensor for sensing a dark condition in order to optimize power consumption.

6. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kayser (5,419,768) in view of Rabizadeh (5,606,123).

Kayser discloses a vacuum regulator (20) used with a patient (14) with a replaceable digital display (28) although does not disclose a microprocessor means intermittently enables the sensor means to sense the pressure and generate the signal and power means.

Rabizadeh discloses a microprocessor means (146) intermittently enables the sensor means to sense the pressure and generate the signal and power means (136).

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In view of the Rabizadeh patent, it would have been obvious to one of ordinary skill in the art at the time of invention to utilize the microprocessor means intermittently enables the sensor means to sense the pressure and generate the signal and power means of Rabizadeh onto the system of Kayser in order to provide a system which will continually display the pressure (Col. 2, Lns. 17-19).

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Enter, Sr. (4,333,490), D'Antonio et al. (6,123,093), Kotliar (5,850,833) and Winn et al. (5,092,326) disclose similar systems.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Craig Price whose telephone number is (571) 272-2712. The examiner can normally be reached on 7AM - 5:30PM M-R.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Keasel can be reached on (571) 272-4929. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CP



1 May 2006



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